

Law by Decree No. 17 of 2019

Concerning the Formation of a Transitional High Judicial Council

The President of the State of Palestine

The Chairman of the Executive Committee of the Palestine Liberation Organisation

In reference of the provisions of the Bylaw of the Palestine Liberation Organisation,

The provisions of the Amended Basic Law of 2003 as amended, particularly the provisions of Article 43 thereunder,

Having reviewed the provisions of the Law on the Judicial Authority No. 1 of 2002 as amended,

Having reviewed the provisions of the Law on the Formation of Regular Courts No. 5 of 2001 as amended,

Based upon the recommendations of the National Committee for the Justice Sector Development, chaired by the President of the High Court, Chairman of the High Judicial Council,

Based upon the powers vested in me, and

In pursuance of the public interest,

I hereby promulgate the following Law by Decree:

Article 1

The current High Judicial Council shall be dissolved. All the bodies of the High Court and Courts of Appeals shall be dissolved.

Article 2

A Transitional High Judicial Council shall be formed of seven members. It shall be assigned to reform and develop the Judicial Authority and Public Prosecution in a manner that safeguards the rule of law, judicial independence, right of access to justice, and separation of powers. To this end, it shall be entitled to:

1. All the powers of the High Judicial Council as provided for by the Law on the Judicial Authority No. 1 of 2002 as amended, or any other relevant law.
2. Restructure court panels at all levels and of all types
3. Recommend to the President of the State to dismiss any judge in accordance with the provisions of the Law on the Judicial Authority No. 1 of 2002 as amended, or retire on pension or second him to another position in accordance with the law, in case the Transitional High Judicial Council finds that his continued occupation of the judicial position compromises the solemnity, status, and public confidence in the Judiciary.
4. Develop draft legislation amending the Law on the Judicial Authority No. 1 of 2002 as amended, Law on the Formation of Regular Courts No. 5 of 2001 as amended, and any other laws of the set of judicial laws, in a manner that enables it to respond to the

requirements of development and reform, reduce the duration of litigation, and promote opportunities for access to justice.

5. Re-form the High Judicial Council on the basis of capacities in accordance with the provisions of the Law on the Judicial Authority No. 1 of 2002 as amended, as now in effect, prior to expiry of the term of office of the Transitional High Judicial Council.

Article 3

Notwithstanding the provisions of any other piece of legislation, the Transitional High Judicial Council shall be formed in the following manner:

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| 1. Advisor / Issa Abdul Karim Ibrahim Abu Sharar | As President of the High Court, Chairman of the Transitional High Judicial Council |
| 2. Advisor / Salwa Kamal George al-Sayegh | As a member |
| 3. Advisor / Azmi Hussein Ahmed Tanjir | As a member |
| 4. Advisor / Hussein Ahmed Mahmoud Ubeidat | As a member |
| 5. Advisor / Abdul Karim Ahmed Abdul Rahman Hannoun | As a member |
| 6. Attorney General | As a member |
| 7. Undersecretary of the Ministry of Justice | As a member |

Article 4

1. The term of office of the Transitional High Judicial Council shall be one year, starting from the date on which the provisions of this Law by Decree enter into effect. It shall be renewable for another six months by a decision from the President of the State, based upon a recommendation from the Transitional High Judicial Council.
2. Members of the Transitional High Judicial Council shall continue to receive the same salaries and benefits, which they earn in the positions which they hold. A monthly honorarium shall be disbursed to the retirees from among them by a decision from the President of the State.

Article 5

1. The provisions of Articles 34, 37(2) of the Law on the Judicial Authority No. 1 of 2002 as amended shall not be applicable to the members and composition of the Transitional High Judicial Council.
2. No provisions of the laws in force, which contradict the provisions of this Law by Decree, shall be applicable to the Transitional High Judicial Council.

Article 6

All the competent authorities, each in the sphere of its jurisdiction, must implement the provisions of this Law by Decree, which shall enter into force as of the date of its publication in the Official Gazette.

Promulgated in the city of Ramallah on July 15th, 2019 *Anno Domini*,

Corresponding to Thu al-Qi'dah 12th, 1440 *Anno Hegirae*

Mahmoud Abbas

President of the State of Palestine

Chairman of the Executive Committee of the Palestine Liberation Organisation